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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION**

**WATERWATCH OF OREGON,  
NORTHWEST ENVIRONMENTAL  
DEFENSE CENTER, and  
WILDEARTH GUARDIANS,**

**Case No.: 3:20-cv-413-HZ**

Plaintiffs,

v.

**STATUS REPORT**

**U.S. ARMY CORPS OF ENGINEERS  
and R.D. JAMES, in his official capacity  
as Assistant Secretary of the Army (Civil  
Works),**

Federal Defendants,

and

**OREGON WATER UTILITY COUNCIL and  
OREGON FARM BUREAU FEDERATION,**

Intervenors-Defendants.

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STATUS REPORT

## STATUS REPORT

On August 31, 2020, the Court stayed this case until January 4, 2021 in light of potential action by Congress that would have implications for Plaintiffs' claim. *See* ECF No. 47. The Court also ordered Plaintiffs to file a status report on or before January 5, 2021 to inform the Court as to whether further proceedings in the case are necessary. *Id.* Pursuant to that Order, Plaintiffs submit this status report and request a short extension of the stay in this case.

On December 21, 2020, Congress passed the Consolidated Appropriations Act, 2021. H.R. 133, 116th Cong. (2020) (enacted). Division AA of that law is the Water Resources Development Act of 2020 ("WRDA 2020"). WRDA 2020 includes authorization for Willamette Project reallocation. *See* WRDA 2020 §§ 401–02. WRDA 2020 does not authorize the reallocation plan as proposed by Defendant U.S. Army Corps of Engineers, but instead includes several modifications to protect threatened Upper Willamette River Chinook and steelhead. *See id.* § 402(d). As explained in Plaintiffs' motion for stay, these changes reduce Plaintiffs' concerns about the reallocation plan and process. *See* ECF No. 43 at 2–3. The President signed the Consolidated Appropriations Act, 2021 into law on December 27, 2020.

Because the passage and signing of WRDA 2020 occurred during the Christmas and New Year's holidays, Plaintiffs have not yet had a chance to properly confer with each other or with counsel about the next steps in this case. While Plaintiffs intend to dismiss the case without further proceedings, they request a short extension of the stay to allow them time to confer with counsel and determine the procedural path forward that would best serve their interests. Plaintiffs therefore request that this Court keep this matter stayed until Friday, January 22, 2021.

Dated: January 5, 2021

Respectfully submitted,

/s/ Andrew R. Missel

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